

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Valentina Concha-Toro	Team: Squad #15	CCRB Case #: 202100597	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury		
Incident Date(s) Thursday, 06/04/2020 7:45 PM	Location of Incident: Brook Avenue and East 136th Street		Precinct: 40	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022
Date/Time CV Reported Mon, 01/25/2021 11:07 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 01/25/2021 11:07 AM		

Complainant/Victim	Type	Home Address

[illegible]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. PO BRANDON ORTIZ	04224	950986	SRG 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kyrollos Ebraheem	05451	963500	078 PCT
2. COD Terence Monahan	00000	876747	CD OFF
3. POF Sandra Gonzalez	14838	961793	SRG 2
4. POM Ermir Aliaj	18857	959452	SRG 1
5. CPT Julio Delgado	00000	918927	SRG 2
6. INS Michael Cody	00000	887177	PBMN

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers struck § 87(2)(b) with a nightstick/asp/baton.	

Officer(s)	Allegation	Investigator Recommendation
B.PO BRANDON ORTIZ	Abuse: Police Officer BRANDON ORTIZ obstructed his shield number.	

## Case Summary

On January 25, 2021, § 87(2)(b) submitted this complaint to the CCRB.

At approximately 7:45 p.m. on June 4, 2020, § 87(2)(b) and her boyfriend, § 87(2)(b) attended a protest organized by Decolonize This Place which began in the vicinity of 3<sup>rd</sup> Avenue and 149<sup>th</sup> Street in the Bronx. The group of protestors walked south until they reached the intersection of Brook Avenue and East 136<sup>th</sup> Street. Police officers stood along the intersection of East 136<sup>th</sup> Street and Brook Avenue and the protestors could not advance forward. Additional police officers lined up behind the group and the protestors were not able to turn around. The police officers advanced toward the protestors and began taking individuals into custody. During this process, § 87(2)(b) was struck with a baton on his head and he was taken to the ground (**Allegation A: Force**, § 87(2)(g) § 87(2)(b) s hands were restrained with flex-cuffs and he was seated in the street along with the other restrained protestors. PO Brandon Ortiz from Strategic Response Group (SRG) was assigned § 87(2)(b) s arresting officer. PO Ortiz allegedly had a black band covering his shield number (**Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was removed to Brooklyn Central Booking and released with a summons.

This case involves other alleged enforcement actions performed under the command and supervision of the then Chief of Department Terrance Monahan and Assistant Chief Kenneth Lehr. These allegations are being addressed in case 202006855 and will not be discussed in this case.

Requests for Body-Worn Camera (BWC) videos for this case yielded 124 video files (Board Reviews 01-05). The investigation obtained additional BWC files and other video evidence from CCRB cases 202004183 and 202004301 (Board Reviews 06 and 07).

## Findings and Recommendations

**Allegation (A) Force: Officers struck § 87(2)(b) with a nightstick/asp/baton.**

### **Known facts and general descriptions:**

On June 4, 2020, Decolonize This Place and other organizations supporting the Black Lives Matter movement, prepared a protest starting in the vicinity of 3<sup>rd</sup> Avenue and 149<sup>th</sup> Street in the Bronx and planned to travel southbound and cross a bridge into Manhattan. § 87(2)(b) and multiple other friends arrived at 3<sup>rd</sup> Avenue and 149<sup>th</sup> Street in the Bronx with approximately 200 other individuals. As the protestors walked south, a large group of police officers, some of whom were on bicycles, followed the protestors at a distance. The protestors walked south on Willis Avenue, turned east on East 136<sup>th</sup> Street and walked past Brown Place toward Brook Avenue. At approximately 7:45 p.m., a group of police officers on bicycles stood along East 136<sup>th</sup> Street, blocking the intersection of East 136<sup>th</sup> and Brook Avenue. A group of police officers lined up behind the group along East 136<sup>th</sup> Street past Brown Place. Along both sides on East 136<sup>th</sup> Street were residential buildings which did not have any exit available for the protestors. The two groups of officers approached the group of protestors and pushed the group together from the front and back. Police officers began taking protestors into custody.

§ 87(2)(b) stated (Board Review 08) that he was dressed in jeans, a yellow t-shirt, with a backpack and a gray bicycle helmet. § 87(2)(b) had been walking in the middle of the group of protestors with § 87(2)(b) and friends, including § 87(2)(b) and § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) were walking in the middle of the group

of protestors as they approached the intersection of East 136<sup>th</sup> Street and Brook Avenue. Once the police officers began pushing in on the group of protestors, § 87(2)(b) lost sight of § 87(2)(b) and § 87(2)(b) crossed a line of street parked vehicles on the south side of East 136<sup>th</sup> Street and stood on the sidewalk. Police officers used their batons to strike multiple individuals and take them to the ground. Once on the ground, the police officers used plastic, zip tie like handcuffs to secure the individuals. § 87(2)(b) placed his grey bicycle helmet on his head and backed up into one of the parked vehicles. A white male officer, approximately 6'00" tall with a medium to heavy build, dressed in a black riot gear uniform with gloves and a helmet approached § 87(2)(b) did not have any additional identifying information for this police officer. The police officer did not issue § 87(2)(b) any command. The police officer had one hand on the handle of his black baton and swung it toward § 87(2)(b). The baton struck § 87(2)(b) once in the shoulder. Then the police officer raised the baton and struck § 87(2)(b) once on the head, and once or twice on his shoulders. § 87(2)(b) fell to the ground facedown. The police officer struck § 87(2)(b) multiple times on his helmet, and § 87(2)(b)'s helmet broke. While § 87(2)(b) was facedown, the officer continued striking § 87(2)(b) two to four times on his back, an unknown number of times on the back of his shoulders, and an unknown number of times on the back of his helmet. From these strikes, § 87(2)(b) suffered multiple bruises and cuts on his face and shoulders. The same police officer grabbed § 87(2)(b)'s helmet strap and dragged § 87(2)(b) facedown on the sidewalk for approximately 20 feet. This dragging caused § 87(2)(b) to receive multiple bruises and abrasions on his shoulders and torso, which caused him minor bleeding.

The police officer pulled § 87(2)(b) up by his helmet to a kneeling position. Another police officer approached § 87(2)(b) from behind and placed both of his arms in plastic handcuffs. The police officer who placed § 87(2)(b) in handcuffs walked him to the intersection of East 136<sup>th</sup> Street and Brook Avenue where a large group of the protestors were seated and in handcuffs. Because the police officer who placed § 87(2)(b) in plastic handcuffs remained behind § 87(2)(b) the entire time, § 87(2)(b) was only able to see the police officer appeared to be wearing a uniform. § 87(2)(b) did not have any additional pedigree information. Once seated with the other protestors, § 87(2)(b) saw § 87(2)(b) and § 87(2)(b) in the group of restrained protestors. Neither § 87(2)(b) nor § 87(2)(b) (Board Reviews 09 and 10) saw the moment § 87(2)(b) was struck with the baton and placed into handcuffs. § 87(2)(b)'s shirt was ripped, his helmet was broken, he had multiple abrasions and bruises across his upper body, arms and face. PO Ortiz introduced himself as § 87(2)(b)'s arresting police officer and walked him to a passenger vehicle. PO Ortiz was not the same police officer who struck § 87(2)(b) nor did he recognize him having been present in the immediate vicinity. At Brooklyn Central Booking, PO Ortiz issued § 87(2)(b) a summons for "violation of mayor's emergency order."

§ 87(2)(b) provided several photographs of his injuries to the CCRB (Board Review 11). After the incident, § 87(2)(b) did not seek medical treatment for his injuries.

§ 87(2)(b) filed a Notice of Claim regarding this incident (Board Review 12). The investigation obtained the Notice of Claim which was for damages in the sum of three million dollars for physical and/or psychological injury, deprivation or freedom, and violation of civil and constitutional rights. § 87(2)(b)'s testimony was consistent with his CCRB interview.

## **BWC:**

A total of 124 BWC video files were obtained for this case (Board Reviews 01-05). All 124 videos were reviewed, in addition to a BWC videos obtained from case 202004183 (Board Review 06).

At 17:30 minutes into PO Granit Shaba's BWC video (Board Review 04), § 87(2)(b) is captured kneeling toward the edge of the sitting group of protestors. § 87(2)(b) is stating that his handcuffs are too tight, and eventually a member of service wearing a white shirt changes § 87(2)(b)'s handcuffs. § 87(2)(b) does not have his helmet on his head and his shirt is torn at the shoulder. The video does not capture § 87(2)(b) prior being in the group of handcuffed protestors. The video does not capture § 87(2)(b) being walked to where he is kneeling or the incident when § 87(2)(b) was struck with a baton.

None of the 125 BWC videos obtained captured § 87(2)(b) at any other point during the incident, and specifically, none of the BWC files captured the moment § 87(2)(b) was struck with a baton.

#### **NYPD Documents Reviewed:**

The investigation received negative results for any Threat Resistance and Injury Report, or AIDED reports prepared for § 87(2)(b) (Board Review 13).

PO Ortiz issued § 87(2)(b) the summons § 87(2)(b) for "violation of mayor's emergency order," but no additional details were noted (Board Review 11).

The Mass Arrest Report for this incident was copied from CCRB case 202004094 (Board Review 14). § 87(2)(b) does not appear on the lists of individuals.

The Detailed Roster for this incident was copied from CCRB case 202004094 (Board Review 15). It noted that a total of 30 lieutenants, 82 sergeants, 598 detectives and/or police officers, in addition to multiple captains and other high-ranking members-of-service were deployed to the Bronx in preparation for this incident.

#### **Concurrent Investigations:**

A total of 26 other cases from this incident were submitted to the CCRB for investigation.

§ 87(2)(b) and § 87(2)(b) provided information regarding allegations which were addressed in CCRB case #202006855. This case involves other allegations enforcement actions performed under the command and supervision of the then Chief of Department Terrance Monahan and Assistant Chief Kenneth Lehr.

No other CCRB case involved any of the witnesses or victim in this case.

#### **Ranking Officers:**

The investigation determined that the then Chief of Department Monahan was the highest-ranking officer on scene; he is currently no longer a member of the NYPD. Assistance Chief Lehr was present during this incident but based on the civilian statements obtained, he did not directly interact with § 87(2)(b) or directly instruct any other officer to do so.

#### **Officers Interviewed:**

There were no officers interviewed for this case.

#### **Allegation Recitation and Disposition:**

The investigation was able to obtain three civilian statements for this incident. § 87(2)(g)

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Police Officer Brandon Ortiz obstructed his shield number.**

§ 87(2)(b) stated (Board Review 08) that after he had been placed in flex-cuffs and was in the group of restrained protesters, PO Ortiz approached him and informed § 87(2)(b) he was his arresting police officer. § 87(2)(b) had not seen PO Ortiz prior to this introduction. PO Ortiz was wearing a regular NYPD uniform with a metallic shield and name tag which read “Ortiz.” PO Ortiz had a black tape across the numbers on his shield. PO Ortiz walked § 87(2)(b) to a passenger van with multiple other individuals. The passenger van first went to Queens Central Booking but when informed that it was at capacity, the passenger van took § 87(2)(b) and the other individuals to Brooklyn Central Booking. PO Ortiz issued § 87(2)(b) a summons for “violation of mayor’s emergency order” and released him.

The summons issued to § 87(2)(b) was § 87(2)(b) (Board Review 11). The issuing police officer was PO Ortiz whose tax number was noted as #950986.

Searches in CTS for the tax number on the summons yielded results for one police officer, PO Brandon Ortiz, shield number 04224, and who was assigned to the Strategic Response Group.

At 1:17 minutes into Sgt. Joseph Cammarano’s BWC video (Board Review 04), an officer dressed in an SRG uniform with the name ‘Ortiz’ and shield number ‘4224’ stitched onto the right side of his chest was captured. There was no black tape or any other object obstructing the shield number on the uniform.

§ 87(2)(g)

§ 87(2)(g)

**Civilian and Officer CCRB Histories**


- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 16).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 17).
- PO Ortiz has been a member-of-service for 10 years and this is the first CCRB complaint to which he has been a subject.

### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 18).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 19).
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming physical, emotional and punitive damages, injury from conduct violating NYPD policies and prior court rulings with the consent, support and/or indifference of NYPD leadership and New York City, as well as compensation for medical expenses and lost wages, and is seeking 10,000,000.00 dollars as redress. A 50H hearing was held on § 87(2)(b) (Board Review 20).
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming physical and/or psychological injuries, deprivation of freedom, violation of civil and constitutional rights, and property loss, and is seeking 3,000,000.00 dollars as redress. A 50H hearing was held on § 87(2)(b) (Board Review 12).

Squad: 15

Investigator:	<u>Valentina Concha-Toro</u> Signature	<u>Inv. Valentina Concha-Toro</u> Print Title & Name	<u>03/16/2022</u> Date
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Squad Leader:	 Signature	<u>IM Simon Wang</u> Print Title & Name	<u>03/16/22</u> Date
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Reviewer:	 Signature	 Print Title & Name	 Date
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